FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.527 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.S.P.Kadam for the petitioner.

Mr.A.S.Shitole, APP for the State.

Coram : R.S.Mohite,J

Date : 14.3.2006.

PC

1. Heard both sides. Rule. By consent, rule made returnable forthwith.

2. This petition impugns a notice dated 21.2.2006 (wrongly typed as 21.2.2005) calling upon the petitioner to show cause as to why the proceedings under Section 107 of Cr.P.C. should not be initiated and the bond of Rs.5000/- should not be taken. Perusal of the notice indicates that only basis on which notice has been issued is a private quarrel between two brothers.

This Court has held in the case of Christalin Costa Vs. State of Goa reported in 1992 Cr.L.J. 3608 that quarrel between 2 private individuals cannot be basis for proceedings under Section 107 of Cr.P.C. That such quarrels are not normally creating any problems of public order and at the most they lead to the problem of law and order. In my view, if the brother of the applicant was aggrieved by likely action in respect of family property, he could approach to the Civil Court. APP states that action under Section 107 is also initiated against the brother who has filed the complaint. That does not improve the situation. In my view, this is a fit case where the impugned notice should be quashed. Hence, rule is made absolute in terms of prayer clause-(b) and petition stands disposed of.

(R.S.Mohite,J)